

REMARKS:

I. Introduction

In the Office Action mailed on August, 2005, the Examiner rejected claims 1 to 38. The present amendment cancels no claims, amends claims 1 to 7, 9 to 11, 13 to 15, 17, 18, 20, 22 to 26, 28 to 30 and 32 to 38, and adds no new claims. Accordingly, claims 1 to 38 remain pending in this application.

II. Claim Rejections Based on 35 U.S.C. § 102

(a) The Examiner rejected claims 1, 2, 4, 9, 28, and 32 under 35. U.S.C. 102(b) as anticipated by Peltier (US 917,890).

Peltier discloses a floor scraper having a body or head 1 with a cutting blade 3 that engages the floor and an elongate handle 16 extending from the head for moving the head 1 and the blade 3 about the floor. The handle 16 has a hook-shaped rear end and an intermediate handle 21 that is also hook-shaped. The cutting blade 3 engages the floor at an angle so that the operator can press an intermediate handle 21 to exert varying pressure between the blade 3 and the floor when scraping. A pair of wheels 9 are provided that are independently movable in the vertical direction relative to the head 1. The blade 3 has a curved cutting edge 6 so that, along with the independent movement of the wheels 9, the head 1 can be laterally rocked to bring any part of the curved cutting edge 6 into contact with the floor at any time.

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitations of "wherein the blade and the wheels are positioned such that a plane formed by the planar portion of the blade is substantially tangent to a radial periphery of at least one of the wheels." No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 1. Reconsideration and withdrawal of the rejection is requested.

Independent claim 28, and claims dependent therefrom, are allowable because they each include the limitations of "wherein the rear grip includes a cylindrically-shaped grasping portion that laterally extends perpendicular to a central axis of the shaft", "wherein the fore grip

includes a cylindrically-shaped grasping portion that is coaxial with the central axis of the shaft", and "wherein the fore grip is axially adjustable along the length of the shaft." No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 28. Reconsideration and withdrawal of the rejection is requested.

(b) The Examiner rejected claims 13, 15, 16, 28, 32, and 33 under 35. U.S.C. 102(b) as anticipated by Nicolosi et al. (US 5,988,021).

Nicolosi et al. disclose a shingle removing apparatus 10 having a handle 11 with an elongate tubular handle member 20. A forward end of the handle member 20 is secured to a roller unit 12 by a framework element 24. A rearward end of the handle member 20 is connected to a source of compressed air 100 and is provided with a trigger mechanism 22. An intermediate portion 25 of the handle member 20 is provided with a hand grip element 26

Independent claim 13, and claims dependent therefrom, are allowable because they each include the limitations of "a rear grip located at a rear end of the shaft" and "wherein the rear grip includes a cylindrically-shaped grasping portion that laterally extends perpendicular to a central axis of the shaft." No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 13. Reconsideration and withdrawal of the rejection is requested.

Independent claim 28, and claims dependent therefrom, are allowable because they each include the limitations of "wherein the rear grip includes a cylindrically-shaped grasping portion that laterally extends perpendicular to a central axis of the shaft", "wherein the fore grip includes a cylindrically-shaped grasping portion that is coaxial with the central axis of the shaft", and "wherein the fore grip is axially adjustable along the length of the shaft." No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 28. Reconsideration and withdrawal of the rejection is requested.

(c) The Examiner rejected claims 1, 4, 8, 9, 28 and 32 under 35. U.S.C. 102(b) as anticipated by Lipka et al. (US 4,324,042).

Lipka discloses a shingle stripper 10 having a head 11 in the form of a rectangular-shaped blade 15 with a forward edge 16 forming a knife edge. A straight elongated handle 12 is press fit into a tubular connector 13 to join the handle 12 to the head 11. A hold down member 40 in the form of a rotatable cylindrical roller 41 is secured to one side of the head 11. The lower portion of the roller 41 is suspended below the bottom surface of the blade 15. See column 3, lines 21 to 37.

Lipka et al. illustrates a common configuration of a shingle removing tool where one a roller on one side of the blade. Nicolosi et al. also discloses this configuration as discussed hereafter. Another common configuration for a shingle removing tool is to have no rollers or wheels. It is noted that no prior art shingle removing tool of record discloses having a pair of spaced apart wheels. It was the inventive insight of the present inventors to configure a shingle removing tool with a pair of spaced apart wheels.

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitations of “a pair of wheels rotatably attached to the base rearward of the blade”, “wherein the wheels are laterally spaced apart and have a common rotational axis”, and “wherein the blade and the wheels are positioned such that a plane formed by the planar portion of the blade is substantially tangent to a radial periphery of at least one of the wheels.” No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 1. Reconsideration and withdrawal of the rejection is requested.

Independent claim 28, and claims dependent therefrom, are allowable because they each include the limitations of “wherein the rear grip includes a cylindrically-shaped grasping portion that laterally extends perpendicular to a central axis of the shaft”, “wherein the fore grip includes a cylindrically-shaped grasping portion that is coaxial with the central axis of the shaft”, and “wherein the fore grip is axially adjustable along the length of the shaft.” No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 28. Reconsideration and withdrawal of the rejection is requested.

III. Claim Rejections Based on 35 U.S.C. § 103

(a) The Examiner rejected claims 10, 20 to 23, 25, and 34 under 35. U.S.C. 103(a) as

unpatentable over Peltier (US 917,890) in view of Jacobs et al. (5,957,516).

Jacobs et al. discloses a tool having telescoping tubular portions 4, 6 of a handle 2. A helical coil spring 14 is located within the handle 2 and is compressible when the portions 4, 6, telescope toward one another. In the embodiment of figure 8, the coil spring 14 is located with the rear tubular member 4 and engages a plugged end of the forward tubular portion 6.

Dependent claim 10 is allowable as depending from allowable independent claim 1 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Independent claim 20, and claims dependent therefrom, are allowable because they each include the limitations of “a cylindrically-shaped solid body of resilient material located within the rear grip and between the rear grip and the shaft to absorb impacts as the rear grip axially moves forward relative to the shaft.” No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 20. Note that Jacobs et al disclose using a coil spring and it is located within the tubular handle rather than the rear grip. Reconsideration and withdrawal of the rejection is requested.

Dependent claim 34 is allowable as depending from allowable independent claim 28 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

(b) The Examiner rejected claims 11, 12, and 29 to 31 under 35. U.S.C. 103(a) as unpatentable over Peltier (US 917,890) in view of Adams (4,690,447).

Dependent claims 11 and 12 are allowable as depending from allowable independent claim 1 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Dependent claims 29 to 31 are allowable as depending from allowable independent claim 28 as discussed above and independently allowable for novel and nonobvious matter

claimed therein. Reconsideration and withdrawal of the rejection is requested.

(c) The Examiner rejected claims 1 to 5, 7, 9, 35 and 37 under 35. U.S.C. 103(a) as unpatentable over Nicolosi et al. (US 5,988,021) in view of Peltier (US 917,890).

Nicolosi et al. disclose a shingle removing apparatus 10 having a handle 11 with an elongate tubular handle member 20. A forward end of the handle member 20 is secured to a roller unit 12 by a framework element 24. The roller unit 12 is provided with a single roller 30 located at one side. A rearward end of the handle member 20 is connected to a source of compressed air 100 and is provided with a trigger mechanism 22. The roller 30 is vertically moveable to operate a trip switch 50 so that when the handle 11 is pushed down to depress the roller 30, the trip switch 50 permits compressed air to be provided to the trigger mechanism 22 but the trip switch 50 does not permit compressed air to reach the trigger mechanism 22 when the roller 30 is not depressed. The apparatus 10 also has a lifter blade 40 that is pivotably secured to the roller unit 12 via a pneumatically charged cylinder 45 so that the lifter blade 40 is pivoted upward relative to the roller unit when the roller is depressed and the trigger actuated.

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitations of “wherein the blade is secured to the base to substantially prevent movement of the blade relative to the base”, “a pair of wheels rotatably attached to the base rearward of the blade”, “wherein the wheels are secured to the base to substantially prevent movement of the wheels relative to the base in directions perpendicular to the rotational axis”, “wherein the blade and the wheels are positioned such that a plane formed by the planar portion of the blade is substantially tangent to a radial periphery of at least one of the wheels.” No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 1. Reconsideration and withdrawal of the rejection is requested.

Independent claim 35, and claims dependent therefrom, are allowable because they each include the limitations of “wherein the blade is secured to the base to substantially prevent movement of the blade relative to the base”, “a pair of wheels rotatably attached to the base rearward of the blade”, “wherein the wheels are secured to the base to substantially prevent movement of the wheels relative to the base in directions perpendicular to the rotational axis”,

“wherein the blade and the wheels are positioned such that a plane formed by the planar portion of the blade is substantially tangent to a radial periphery of at least one of the wheels.” No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 35. Reconsideration and withdrawal of the rejection is requested.

(d) The Examiner rejected claims 5, 7 to 9, 13, 15 to 17, 33, 35, and 37 under 35. U.S.C. 103(a) as unpatentable over Lipka et al. (US 4,324,042) in view of Zeisig (US 3,222,699).

Dependent claims 5 and 7 to 9 are allowable as depending from allowable independent claim 1 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Independent claim 13, and claims dependent therefrom, are allowable because they each include the limitations of “a pair of wheels rotatably attached to the base rearward of the blade” and “wherein the rear grip includes a cylindrically-shaped grasping portion that laterally extends perpendicular to a central axis of the shaft.” No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 13. Reconsideration and withdrawal of the rejection is requested.

Dependent claim 33 is allowable as depending from allowable independent claim 28 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Independent claim 35, and claims dependent therefrom, are allowable because they each include the limitations of ““wherein the blade is secured to the base to substantially prevent movement of the blade relative to the base”, “a pair of wheels rotatably attached to the base rearward of the blade”, “wherein the wheels are secured to the base to substantially prevent movement of the wheels relative to the base in directions perpendicular to the rotational axis”, “wherein the blade and the wheels are positioned such that a plane formed by the planar portion of the blade is substantially tangent to a radial periphery of at least one of the wheels” among other limitations. No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 35. Reconsideration and withdrawal of the rejection is

requested.

(e) The Examiner rejected claims 10, 20 to 23, 25, and 34 under 35. U.S.C. 103(a) as unpatentable over Lipka et al. (US 4,324,042) in view of Jacobs et al. (US 5,957,516).

Dependent claim 10 is allowable as depending from allowable independent claim 1 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Independent claim 20, and claims dependent therefrom, are allowable because they each include the limitations of “a cylindrically-shaped solid body of resilient material located within the rear grip and between the rear grip and the shaft to absorb impacts as the rear grip axially moves forward relative to the shaft.” No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 20. Note that Jacobs et al disclose using a coil spring and it is located within the tubular handle rather than the rear grip. Reconsideration and withdrawal of the rejection is requested.

Dependent claim 34 allowable as depending from allowable independent claim 28 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

(f) The Examiner rejected claims 11, 12, and 29 to 32 under 35. U.S.C. 103(a) as unpatentable over Lipka et al. (US 4,324,042) in view of Adams (US 4,690,447).

Dependent claims 11 and 12 are allowable as depending from allowable independent claim 1 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Dependent claims 29 to 32 are allowable as depending from allowable independent claim 28 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

(g) The Examiner rejected claims 18, 19 and 38 under 35. U.S.C. 103(a) as unpatentable over Lipka et al. (US 4,324,042)) in view of Zeisig (US 3,222,699) and further in view of Adams (US 4,690,447).

Dependent claims 18 and 19 are allowable as depending from allowable independent claim 13 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Dependent claim 38 is allowable as depending from allowable independent claim 35 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

(h) The Examiner rejected claims 6, 14, 34, and 36 under 35. U.S.C. 103(a) as unpatentable over Lipka et al. (US 4,324,042)) in view of Zeisig (US 3,222,699) and further in view of Jacobs et al. (US 5,957,516).

Dependent claim 6 is allowable as depending from allowable independent claim 1 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Dependent claim 14 is allowable as depending from allowable independent claim 13 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Dependent claim 34 is allowable as depending from allowable independent claim 28 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Dependent claim 36 is allowable as depending from allowable independent claim 35 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

(i) The Examiner rejected claim 24 under 35. U.S.C. 103(a) as unpatentable over Lipka et al. (US 4,324,042)) in view of Jacobs et al. (US 5,957,516) and further in view of Zeisig (US 3,222,699).

Dependent claim 24 is allowable as depending from allowable independent claim 20 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

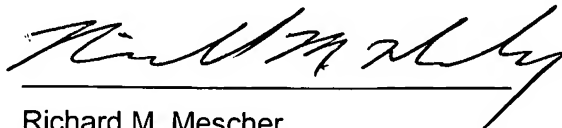
(j) The Examiner rejected claims 26 and 27 under 35. U.S.C. 103(a) as unpatentable over Lipka et al. (US 4,324,042)) in view of Jacobs et al. (US 5,957,516) and further in view of Adams (US 4,690,447).

Dependent claims 26 and 27 are allowable as depending from allowable independent claim 20 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

IV. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,



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Page 18 of 18 pages